

REMARKS

Claims 11-18 are pending in the present application. Claims 11, 12 and 14-18 are rejected.

Rejections under Doctrine of Obviousness-Type Double Patenting

Claims 11, 12 and 14-18 are rejected under the doctrine of double patenting over claims 1 and 3-8 of Patent No. 6,644,616. Applicants respectfully disagree with the rejection as an impermissible rejection. Applicants respectfully request withdrawal of the rejection.

Applicants note that during the prosecution of the parent application (issued as Patent No. 6,644,616), the Examiner held the first embodiment (species) shown in Figs. 1-7 to be patentably distinct from the second embodiment (species) shown in Figs. 8 and 9, and therefore issued an Election Requirement between these two patentably distinct species. Applicants elected the species of Group I, which were represented by Figs. 1-7. Applicants withdrew claims directed to Group II, which were represented by Figs. 8 and 9. The present divisional application was filed as a result of the Election Requirement for the parent application.

The claims of resulting U.S. Patent No. 6,644,616 are directed only to Group I of the restricted parent application, whereas the pending claims of the present application are directed only to Group II of the restricted parent application.

The Examiner asserts that there is no apparent reason why Applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the parent application. The Examiner asserts that the presently claimed invention “was taught as above in U.S. Patent No. 6,644,616 by the Figs. 8 and 9 and could have been claimed as such in

the earlier application. However, Applicants respectfully submit that the issuance of the Election of Species requirement, combined with the fact that there was no allowable linking or generic claim, were the only reasons why Applicant why Applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the parent application. Therefore, it cannot be said that Applicants could have or should have prosecuted any inventions from Figs. 8 and 9.

Moreover, the Examiner asserts that the only difference between present claim 11 and claim 1 of the parent application is “by the addition of terms “from above” in relation to the positioning of the “engaging portion” relative to the “moveable member”. However, Applicants note that there is a significant further difference. Claim 1 of the parent application reads, in part:

“...a connector for connecting the base member to the movable member in a tilting and swiveling relationship, the connector including a protrusion formed as a single part with the **moveable member**... and extending from the **moveable member**...”

whereas the present claim 11 includes the limitation:

“...a connector for connecting the base member to the movable member in a tilting and swiveling relationship, the connector including a protrusion formed as a single part with the **base member** and extending from the **base member**...”

(Emphasis added.)

Therefore, Applicants disagree that the only difference between present claim 11 and claim 1 of the parent application is by the addition of terms “from above” in relation to the positioning of the “engaging portion” relative to the “moveable member”.

Response under 37 C.F.R. §1.116
Attorney Docket No. 001076A
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Applicants respectfully submit that the double-patenting rejection against the present application is improper in view of the provision set forth in 35 U.S.C. §121 under which the present divisional application was filed.


In view of the aforementioned remarks, Applicant submits that the claims are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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